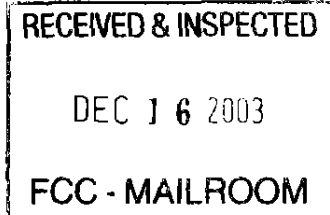


**FCC Appeal of SLD Denial of Appeal**  
**CC Docket Nos. 96-45 and 97-21**



12/15/03

**Contact Information**

Robert A. Morrow  
Compliance Manager  
E-rate Consulting  
103 Weatherstone Drive  
Suite 720  
Woodstock, GA 30188  
888-249-1661  
FAX: 770-592-4693  
[bmorrow@erateconsulting.com](mailto:bmorrow@erateconsulting.com)  
Note: Letter of Agency to act on behalf of ALAC is attached

**Name of Entity:**

Approach Learning and Assessment Centers (158862)

**SLD Action Being Appealed:**

Administrator's Decision on Appeal – Funding Year 2000-2001  
Dated October 17, 2003 (attached)

**471 Application Involved: #256403**

**Case for Appeal**

During the course of a selective Year 5 Form 471 review, the SLD discovered that the contact name and address listed on the applicant's Form 470 was the same as the contact listed in the SLD's database for one of the listed vendors, LW Associates. On the basis of what appeared to be a clear violation of the SLD's ban on vendor involvement in the competitive bidding process, the funding requests were denied.

Subsequently, the applicant received the attached Commitment Adjustment letter for the 2001-2002 funding year, citing the same reasons for denial.

I filed an appeal with the SLD, asking that the Commitment Adjustment letter be withdrawn until the original Year 5 decision went through the appeals process, since it was the basis of the Commitment Adjustment. I further clarified my intent in an attached letter to John Vita of the Appeals Group in response to his questions.

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\_\_\_\_\_  
\_\_\_\_\_

The attached denial was received by ALAC in October. Although I am listed as the contact on the appeal, I never received a copy. The denial refers to dated correspondence that matches nothing I or ALAC have sent. It also refers to a funding year and Form 471 for which no Commitment Adjustment letter has ever been issued.

Worse, it doesn't address the reason I appealed. I didn't ask for judgment on the SLD's original decision; that is going through the normal appeals process and is currently before the FCC. All I asked is that the Commitment Adjustment letter be withdrawn until the original funding issue was determined.

That is also what I am asking the FCC: direct the SLD to withdraw the Commitment Adjustment letter while the original funding denial issue is being appealed.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Munoz". The signature is fluid and cursive, with the first name "Robert" being more legible than the last name "Munoz".

Attachments: January 31, 2003 Commitment Adjustment letter  
March 31, 2003 appeal  
May 30, 2003 letter to John Vita  
October 17, 2003 denial  
Letter of Agency

**FCC Appeal of SLD Denial of Appeal**

**CC Docket Nos. 96-45 and 97-21**

**12/15/03**

**Contact Information**

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Note: Letter of Agency to act on behalf of ALAC is attached

**Name of Entity:**

Approach Learning and Assessment Centers (158862)

**SLD Action Being Appealed:**

Administrator's Decision on Appeal – Funding Year 1999-2000  
Dated October 17, 2003 (attached)

**471 Application Involved:** #140957

**Case for Appeal**

During the course of a selective Year 5 Form 471 review, the SLD discovered that the contact name and address listed on the applicant's Form 470 was the same as the contact listed in the SLD's database for one of the listed vendors, LW Associates. On the basis of what appeared to be a clear violation of the SLD's ban on vendor involvement in the competitive bidding process, the funding requests were denied.

Subsequently, the applicant received the attached Commitment Adjustment letter for the 1999-2000 funding year, citing the same reasons for denial.

I filed an appeal with the SLD, asking that the Commitment Adjustment letter be withdrawn until the original Year 5 decision went through the appeals process, since it was the basis of the Commitment Adjustment. I further clarified my intent in an attached letter to John Vita of the Appeals Group in response to his questions.

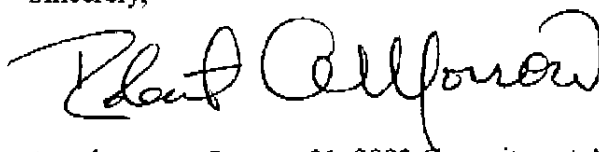
The attached denial was received by ALAC in October. Although I am listed as the contact on the appeal, I never received a copy. The denial also refers to dated correspondence that matches nothing I or ALAC have sent.

Worse, it doesn't address the reason I appealed. I didn't ask for judgment on the SLD's original decision; that is going through the normal appeals process and is currently before the FCC. All I asked is that the Commitment Adjustment letter be withdrawn until the original funding issue is determined.

That is also what I am asking the FCC: direct the SLD to withdraw the Commitment Adjustment letter while the original funding denial issue is being appealed.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Calloway". The signature is fluid and cursive, with the first name "Robert" and last name "Calloway" clearly distinguishable.

Attachments: January 31, 2003 Commitment Adjustment letter  
March 31, 2003 appeal  
May 30, 2003 letter to John Vita  
October 17, 2003 denial  
Letter of Agency